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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/657,374

09/08/2003

Gaston M. Barajas

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HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN, TX 78720

EXAMINER

YAARY, MICHAEL D

ART UNIT

PAPER NUMBER

2193

NOTIFICATION DATE

DELIVERY MODE

12/27/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@hamiltonerrile.com
seaton@hamiltonerrile.com
tmunoz@hamiltonerrile.com

Office Action Summary

Application No.

10/657,374

Applicant(s)

BARAJAS ET AL.

Examiner

Michael Yaary

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-13, 15-23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13, 15-23, and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-3, 5-13, 15-23, and 25-30 are pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-13, 15-23, and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burkhardt (US Pat. 6,823, 508) in view of Cohen et al. (hereafter Cohen)(US Pub. 2003/0233646).
4. Burkhardt and Cohen were cited in the previous office action dated 08/10/2007.
5. **As to claims 1, 11, and 21** Burkhardt discloses a method for automatically installing a software image onto an information handling system (abstract and column 2, line 67-column 3, line 8), the method comprising:

Reading an order for an information handling system (column 7, lines 31-34 and 222 of figure 6);

Reading an image manifest (column 3, lines 41-47; column 7, lines 35-37; and 224 of figure 6);

Installing an image onto the information handling system as installed software (column 3, lines 63-66; 226 and 228 of figure 6); and

Automatically configuring the installed software (column 8, lines 48-49 and 230 of figure 6).

6. Burkhardt does not disclose determining whether any subtract components are present in the image; and if any subtract components are present, then removing the subtract components from the installed software while automatically configuring the installed software.

However, in an analogous art Cohen discloses determining whether any subtract components are present in the image; and if any subtract components are present, then removing the subtract components from the installed software while automatically configuring the installed software ([0005] and [0054], disclose software for image based installation and applying an image to a target computer. Image configuration occurs, and during configuration *adding or removal of components occurs*, thus showing that in image based software installation the addition or subtraction of components may be executed.).

7. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Burkhardt, by removing components for

image configuration, as taught by Cohen, for the benefit of minimizing installation and execution time, and therefore efficiently maintaining only needed components of the installation.

8. **As to claims 2, 12, and 22** Burkhardt further discloses executing order specific customizations (column 1, line 66-column 2, line 4).

9. **As to claims 3, 13, and 23** Burkhardt further discloses determining whether all base components of the order are present in the image (Column 8, lines 14-25 disclose determining if additional components are necessary, thus making sure all base components are there.).

10. **As to claims 5, 15, and 25**, Burkhardt further discloses determining whether any add components are present in the image; and, if any add components are present, then installing the add components from the specified image (column 8, lines 14-21).

11. **As to claims 6, 16, and 26** Burkhardt further discloses the automatically configuring is performed at a manufacturing site (column 2, lines 13-15).

12. **As to claims 7, 17, and 27**, Burkhardt further discloses the automatically configuring is performed at a customer site (column 2, lines 15-16)

13. **As to claims 8, 18, and 28**, Burkhardt further discloses the automatically configuring enables the installing to be performed in a networkless factory environment (column 6, line 59-column 7, line 7 and process of figure 4).

14. **As to claims 9, 19, and 29** Burkhardt further discloses the automatically configuring enables loading of an image directly from a non-volatile media (column 9, lines 15-26).

15. **As to claims 10, 20, and 30**, Burkhardt further discloses the automatically configuring enables a customized to order process to be performed in a remote manufacturing facility (column 2, lines 13-15 and column 7, lines 23-33).

Response to Arguments

16. Applicant's arguments filed 11/08/2007 have been fully considered but they are not persuasive.

17. Applicant argues that Burkhardt and Cohen, taken alone or in combination do not teach or suggest "*determining whether any subtract components are present in the image, and if any subtract components are present, then removing the subtract components from the installed software while automatically configuring the installed software.*"

18. Examiner respectfully disagrees. The combination of Burkhardt and Cohen do in fact disclose "*determining whether any subtract components are present in the image, and if any subtract components are present, then removing the subtract components from the installed software while automatically configuring the installed software.*"

Cohen in [0054] teaches further configuration being performed once an image has been applied to a target computer. Included in this further configuring of the installed software is "adding or removing components" in [0054], lines 8-9. This, when given its broadest reasonable interpretation reads on removing subtract components, or components that are present in the image that are not included within the order (as disclosed on page 8, line 29-page 9, line 5 of the instant application.). Furthermore, one of ordinary skill in the art at the time of the invention, when combining the teachings of Burkhardt with the teachings of Cohen, would be able to apply the "removal of components" as being subtract components or any other components or files that may need to be removed.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Yaary whose telephone number is (571) 270-1249. The examiner can normally be reached on Monday-Friday, 8:00 a.m - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100